UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/812,224
Filing Date: March 19, 2001
Appellant(s): DAUGHTREY, RODNEY

MAILED

DEC 2 9 2006

GROUP 3600

Denis Maloney
(Reg. No. 29,670)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/18/06 appealing from the Office action

mailed 5/16/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO 01159590	TANNER	8-2001
5,768,578	Kirk et al	6-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are drawn to an "interface" and the "interface" is not seen to be a proper statutory class of invention.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4, 6, 8-9, 12-17, 19-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanner (WO 01/59590).

As per Claim 1.
Tanner (590) discloses:
a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary, the fare evaluation table having a first one of rows and columns representing fares (Base Fare) and a second one of rows and columns representing the fare rule summaries, see figure 4B (Fare basis) and 8A (Fare basis).

As per Claim 2, 29.
Tanner (590) further discloses the table is comprised of rows that represent fares, see figure 3, Adult, Approx. Tax, Total and columns that represent rule summaries, see rules.

As per Claim 3, 22, 30.
Tanner (590) further discloses the columns also represent price, see figures 3, Adult, Approx. Tax, Total.

As per Claim 4, 23, 31.
Tanner (590) further discloses the columns represent fare combinality restrictions, see figure 4B and 8A, QBNRHX in which Q represents "controlled", R represents "Round-trip No Restrictions", X represents "weekday" (according to the FAREDEX Translation Table of columns 10 and 11 of Whitesage ('523)).

As per Claim 5, 24, 32.
Tanner (590) further discloses the categories pass or fail, see figure 3, Avl column.

As per Claim 6, 25, 33.
Tanner (590) further discloses unique visual indicators, see figure 3.

As per Claim 8, 9, 16, 35,37.
Tanner (590) further discloses a status of complete (Avl), incomplete (n/a), see figure 3.

As per Claim 12.
Tanner (590) further discloses a user query region that enables a user to enter information for a set of slices or trip segments, see figure 3.

As per Claim 13.
Tanner (590) further discloses the query region includes fields to specify origins and destination cities and a time window, see figure 3.

As per Claim 14.
Tanner (590) further discloses the query region includes fields to specify different parameters that control which fares and which airlines are examined, see 3.

As per Claim 15.
Tanner (590) discloses:
parsing a query to provide at least one city pair corresponding to an origin and a destination, see figures 4B (From/To) and 8A (From/To);
retrieving fares and fare rules for each city pair over a time period set in the query, see figures 4B (Fare basis) and 8A (Fare basis);
evaluating the retrieved fares against the retrieve rules and returning a status corresponding to pass, fail, see figure 4A (Avl);
producing a summary of the results of the rules the summary indicating the status of each category of rules, see figure 7B; and
displaying the summary on a user output device, see figures 4A-B, 8A.

As per Claim 17, 29, 38.

Tanner (590) further discloses the table is comprised of rows that represent fares, see figure 3, Adult, Approx. Tax, Total and columns that represent rule summaries, see rules.

As per Claim 19.
Tanner (590) discloses:
populating a summary table of evaluating fare rules and fares with a summary table indicating the status of the rules for each category of rules, see figure 4B and 8A; and
render the summary on an output device, see figures 4B and 8A.

As per Claim 20.
Tanner (590) further discloses the table is comprised of rows that represent fares, see figure 3, Adult, Approx. Tax, Total and columns that represent rule summaries, see rules.

As per Claim 26.
Tanner (590) further discloses populating a summary table with a status of the summary, see figure 4B and 8A; and
rendering the summary on an output device, see figures 4B and 8A.

As per Claim 27.
Tanner (590) further discloses populating a summary table of evaluating fare rules and fares with a summary table indicating the status of the rules for each category of rules, see figure 4B and 8A; and
rendering the summary on an output device, see figures 4B and 8A.

As per Claim 28.
Tanner (590) discloses:
rendering a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary, the fare evaluation table having a first one of rows and columns representing fares (Base Fare) and a second one of rows and columns representing the fare rule summaries, see figure 4B (Fare basis) and 8A (Fare basis).

As per Claim 34.
Tanner (590) further discloses a status of the summary and unique visual indications, see figure 3 (Avl), (n/a).

As per Claim 36.
Tanner (590) discloses:
parsing a query to provide at least one city pair corresponding to an origin and a destination, see figures 4B (From/To) and 8A (From/To);
retrieving fares and fare rules for each city pair over a time period set in the query, see figures 4B (Fare basis) and 8A (Fare basis);

evaluating the retrieved fares against the retrieve rules and returning a status corresponding to pass, fail, see figure 4A (Avl);

producing a summary of the results of the rules the summary indicating the status of each category of rules, see figure 7B; and

displaying the summary on a user output device, see figures 4A-B, 8A.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 18, 21, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tanner (WO 01/59590) in view of Kirk (5,768,578).

As per Claim 18.

Tanner (590) further discloses the cells of the table represent pass, fail or defer status, see (Rules);

Tanner (590) does not disclose applying a color to cells of the table with the color scheme signifying whether the cell corresponds to pass, fail or defer status.

Kirk ('578) teaches the display of different color, underline or italics in a document with a mixture of text, graphics and hyperlinks, see column 26, lines 47-55 to distinguish the colored portions to attract the user's attention.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to distinguish areas in a presented page by different color, underlining, or typeface as taught by Kirk ('578) to distinguish text to attract the user's attention.

As per Claim 21, 39.

Tanner (590) further discloses the table where rows represent fares, see figure 3 (avl).

Tanner (590) does not disclose applying a color to cells of the table with the color scheme signifying whether the cell corresponds to pass, fail or defer status.

Kirk ('578) teaches the display of different color, underline or italics in a document with a mixture of text, graphics and hyperlinks, see column 26, lines 47-55 to distinguish the colored portions to attract the user's attention.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to distinguish areas in a presented page by different color,

underlining, or typeface as taught by Kirk ('578) to distinguish text to attract the user's attention.

(10) Response to Argument

10a)   As per the 101 rejection that the "user interface" is not a statutory class:

Applicant argues that the claim is to an article of manufacture, namely an interface displayed on a monitor. Applicant further argues that operation of the "user interface" produces a useful, tangible and concrete result.

The examiner agrees that the display is a useful, tangible, and concrete result.

However, as seen in Kirk et al claim 9 to a user interface, the interface includes a hypertext browser, a database browser and a graphical pointing means as part of an apparatus which can be operated, and is statutory.

Applicant's claimed "user interface," is not operated, as argued, but is simply a display on a screen, with no functionality to be operated, and is seen to be non-functional descriptive material, not an article of manufacture.

10b)   As per the 102 with Tanner et al:

b1.   Applicant states that the Tanner reference is a non-enabling disclosure, then goes on to admit that "Tanner may be enabling for the subject matter that Tanner sought to claim" which appears to contradict applicant's argument.

Applicant the shifts the argument to argue that Tanner does not disclose all the features of applicant's invention.

b2.   Applicant then chooses claim 1 as representative of claims 1,3,12-14, 28 and 30.

Applicant argues that Tanner figures 4B and 8A do not disclose:

a fare evaluation table that display fare rules summaries for fares in slices of an

itinerary, the fare evaluation table having a first one of rows and columns representing

fares and a second one of rows and columns having fare rule summaries.

The examiner disagrees, Tanner, in figures 4A and 4B are attached at line A. 4A,

shows a fare results evaluation table with alternate itineraries (slices) for flights from

DFW to FRA and with columns for fares (labeled Adult, Approx. Tax and Total) and a

column labeled RULES which is seen to be a summary and rows with fares, further, 4B

discloses fares ($618) and more explicitly discloses fare rule summaries, which are the

Fare basis codes "QBNRHX QBNRHX."

Applicant's language "a first one of rows and columns" and "a second one of

rows and columns" is seen to be "at least one of a row or column" and as figure 4B

displays both the fare ($618) seen to be a first column and the fare rule summary

(QBNRHX QBNRHX) seen to be a second column, Tanner is seen to disclose the

claimed table.

b3.   Applicant then argues claims 2 and 29.

Applicant argues that Tanner does not disclose the rows represent fares and the

columns represent rule summaries.

The examiner disagrees, Tanner, figure 3, which is similar to figure 4A, shows a

fare results evaluation table with alternate itineraries (slices) for flights from DFW to

FRA and with a rows including fares ($503, $570. $618, etc) and a column labeled

RULES which is seen to be a summary, which would further be linked to a table like 4B,

that discloses a row with a fare ($618) and more explicitly discloses fare rule

summaries, which are the Fare basis codes "QBNRHX QBNRHX," since it shows only

one row, each displayed value is also seen to be a column.

b4.   Applicant then argues claims 4 and 31.

Applicant argues that applicant's disclosed invention uses combinability rules that

are expressed as letters of the alphabet and that Tanner which discloses a fare basis

"QBNRHX QBNRHX" does not teach that those letters of the alphabet are combinability

rules. The Examiner explains, using Whitesage as a teaching reference to what the

alphabetic codes. Applicant argues that Whitesage's letters, Tanner's letters and

Applicant's letters are not equivalent, and asserts that Tanner's letters are a booking

code. Applicant argues that the examiner must prove that the system of Tanner must

subscribe to the "Prism Group Far Dex" codes.

Examiner disagrees. Whitesage's letters are in a table labeled "fare basis

examples" and Tanner's table refers to the letters as "Fare basis" that the codes are

equivalent and are not "booking codes." The letter codes are a well known standard in

the industry and as applicant's specification does not disclose any source or values

associated with applicant's letters, the examiner has used letters that have known

values in the airline reservation arts.

b5.   Applicant then argues claims 5 and 32.

Applicant argues that Tanner does not disclose the fare evaluation result table

does not have fares organized into categories of fare rules and that the categories

correspond to pass, fail or defer for fares.

Examiner disagrees, the examiner argues that Avl (availability, a button (circle with a dot in it)) of Tanner is equivalent to a status of "pass" and that an Avl (availability) of "n/a" is equivalent a "fail."

b6.   Applicant then argues claims 15 and 36.

Applicant argues the distinguishing feature that Tanner does not disclose the fare evaluation result table does not have fares organized into categories of fare rules and that the categories correspond to pass, fail or defer for fares. Applicant points only to figure 7B and states that it discloses none of claim 15.

Examiner disagrees, the examiner used figures 4A-B, 8A as used previously and 7B (that shows detail of the availability when the availability button is pressed) to reject the various elements of claim 14. Further, as per the distinguishing feature, the examiner argues that Avl (availability, a button (circle with a dot in it)) of Tanner is equivalent to a status of "pass" and that an Avl (availability) of "n/a" is equivalent a "fail."

b7.   Applicant then argues claims 16 and 37.

Applicant argues that Tanner does not include determining whether the summary is complete, likely complete, partially complete or missing information.

Examiner disagrees, the examiner argues that Avl (availability, a button (circle with a dot in it)) of Tanner is equivalent to a status of "conokete" and that an Avl (availability) of "n/a" is equivalent a "incomplete."

b8.   Applicant then argues claims 17 and 38.

Applicant argues that Tanner figures 4B and 8A do not disclose rows representing fare rules and columns represent fare rules or categories.

Examiner would like to point out a possible typographical error in claim 17, which requires that "fare rules" be first a row in line 3, then a column in line 4. Claims 18 (that depends from 17) and claims 20, 38 are to the row containing the "fare" and columns representing "fare rules"

The examiner disagrees with applicant regarding Tanner. In figures 3 which is similar to 4A, 4A and 4B are attached at line A. Figure 3 and 4A, shows a fare results evaluation table with alternate itineraries (slices) for flights from DFW to FRA and with rows for fares (labeled under column headings Adult, Approx. Tax and Total) and a column labeled RULES which is seen to be a summary, further, 4B discloses fare ($618) and more explicitly discloses fare rule summaries, which are the Fare basis codes "QBNRHX QBNRHX." Figure 4B displays both the in and out fare basis (QBNRHX QBNRHX) which seen to be a both the claimed row with fare fules and column with fare rules (as categories is an alternate), Tanner is seen to disclose the claimed table.

b9.   Applicant then argues claims 19 and 22.

These are the program product claims equivalent to the claims previously discussed.

b10.   Applicant then argues claim 20.

This is a program product claim equivalent to claims 38 previously argued.

b11.   Applicant then argues claim 23.

This is a program product claim equivalent to claims 4 previously argued.

b12.   Applicant then argues claims 24 and 25.

This is a program product claim equivalent to claims 5 previously argued.

b13.   Applicant then argues claim 26.

This is a program product claim equivalent to claims 8 previously argued.

b14.   Applicant then argues claim 27.

This is a program product claim equivalent to claims 9 previously argued.

10c)   As per the 103 with Tanner et al in view of Kirk:

Applicant then argues claims 18, 21, 39.

Applicant's argue that Kirk does not cure the previously discussed deficiencies of

Tanner and that Tanner does not disclose the claimed table. Also argued is that Kirk

does not disclose applying color to cells of the table with the color scheme signifying

with a cell corresponds to pass, fail, or defer status.

Examiner disagrees, Tanner is seen to have an equivalent table to applicant's, as

previously discussed. Tanner further uses hyper links (the circles with dots in them, in

the figures are graphic hyperlink buttons), Kirk teaches using color, or a mix of text,

graphics or hyperlinks, to distinguish the portions to attract the user's attention. One of

ordinary skill in the art would have been motivated to modify the graphic hyperlinks of

Tanner to use color for the benefit of attracting the user's attention to portions.
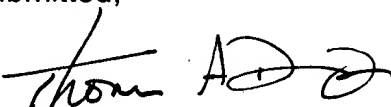
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.
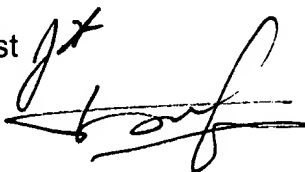
Respectfully submitted,

Thomas Dixon

Primary Examiner

Conferees:

    John Hayes, Appeals Conference Specialist

    Igor Borissov, Primary Examiner